

Remarks

The present invention and pending claims

The present invention relates to an automated system to improve an organization's safety culture by enhancing organizational communication.

Claims 1-8 are pending. Reconsideration and allowance of the pending claims is respectfully requested.

Summary of the Office Action

Claims 1-6 and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claims 2, 3 and 8 are rejected under 35 U.S.C. 112, first paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferraro (US Pub. No. 2003/0088645) in view of Carlson et al. (US Pub. No. 2003/0135378, hereinafter referred to as Carlson).

Amendments to the specification

Paragraphs [0027], [0033] and [0044] have been amended. Paragraph [0027] recites corresponding structure or material for performing the claimed function, without introducing new matter. The structure or material, for example, the multi-user database management system with computer hardware is well known in the art of databases and information systems for an organization's information requirements. In original paragraph [0026]-[0028] of applicant's disclosure, applicant discloses "tailored software

and hardware that collects and provides... periodic or special reports”, which distinctly refers to a database management system, since paragraph [0028] discloses “the collected data are automatically deposited in one or more databases for further processing and analysis...”.

Amendments to the claims

Claims 1-4 and 6-8 are currently amended.

Support for the amendment “providing an anonymous member identification to said originator, wherein said anonymous member identification comprises an anonymous username and password;” in claim 1 is found in paragraphs [0033] through [0035] of U.S. Pub. No. 20050055229 A1 filed on Sep. 9, 2003 and published on Mar. 10, 2005.

Support for the amendment “providing a data collection interface for entering proactively and periodically issues and concerns by said originator into an automated form,..” in claim 1 is found in paragraphs [0020], [0021], [0023], [0027] and [0028].

Support for the amendment “...reviewing and validating said emergent issues and concerns by said one or more peers, wherein said one or more peers validate said emergent issues and concerns by entering comments on said data collection interface regarding emergent issues and concern” in claim 1 is found in original claim 2, and paragraphs [0023], [0027], [0030], and [0046] of U.S. Pub. No. 20050055229 A1 filed on Sep. 9, 2003 and published on Mar. 10, 2005. For example, paragraph [0023] discloses “... includes **automated peer-review and comment** such that issues and concerns raised by a single lower level worker or manager **can be validated by additional knowledgeable persons**, an approach that increases credibility while reducing the likelihood of retaliation (avoids the creation of individual whistleblowers). Moreover, the **peer-review validation approach**...)” and paragraph [0030] discloses “**addition of comments to specific issues and concerns**”.

Support for the amendment “submits said issues and concerns using said anonymous member identification” in claim 1 is found in paragraphs [0033], [0034], [0043] and [0044] of U.S. Pub. No. 20050055229 A1 filed on Sep. 9, 2003 and published on Mar. 10, 2005.

Support for the amendment “populating a database with said submitted and peer reviewed issues and concerns by a database management system comprising one or more computer software programs;” in claim 1 is found in **presently amended** paragraphs [0027] and [0033] and original paragraph [0035] of U.S. Pub. No. 20050055229 A1 filed on Sep. 9, 2003 and published on Mar. 10, 2005.

Support for the amendment “displaying said emergent issues and concerns to one or more peers... wherein said one or more peers validate said emergent issues and concerns by entering comments on said emergent issues and concern;” and “displaying said reply from said management members and administrative members” in claim 1 is found in original paragraphs [0030], [0036] and [0048] of U.S. Pub. No. 20050055229 A1 filed on Sep. 9, 2003 and published on Mar. 10, 2005.

Support for the amendment “a data collection interface for submitting said issues and concerns based on an anonymous membership;” and “...a database management system comprising one or more computer software programs...” in claim 7 is found in **presently amended** paragraph [0027] and original paragraph [0026] of U.S. Pub. No. 20050055229 A1 filed on Sep. 9, 2003 and published on Mar. 10, 2005.

Support for the amendment “tracking of said reported emergent issues and concerns by the originator until said emergent issues and concerns stops being reported by the originator;” in claim 1 is found in paragraph [0030].

The office action states: **“Claims 1-6 and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.”**

In response, claims 1-6 and 8 have been suitably amended.

The office action states: **“Claims 2, 3 and 8 are rejected under 35 U.S.C. 112, first paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.”**

In response, claims 2, 3 and 8 have been suitably amended.

The office action states: **“Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferraro (US Pub. No. 2003/0088645) in view of Carlson et al. (US Pub. No. 2003/0135378, hereinafter referred to as Carlson).”**

First, Ferraro in view of Carlson does not teach or suggest all the limitations in claims 1 and 4. Applicant discloses an automated method for proactively and periodically reporting issues and concerns by a member of an organization to senior management, without filtering opportunities by middle management, where each member of the organization including temporary consultants and contractors summarize routine information such as work accomplished and work planned, and critical information such as **emergent issues and concerns** using an automated system (see original paragraph [0023]). Furthermore, the critical information in the report regarding **emergent issues and concerns are peer reviewed and validated by knowledgeable persons and commented on and concurred upon** by such peers to increase the credibility of the report submitted and to preclude reprisals against individual whistleblowers, **before** the report is submitted to senior management (see applicant’s disclosure, original claim 2, and original paragraphs [0021] and [0023], where applicant discloses *“thus increasing issue and concern validity and providing a means of reducing or avoiding reprisals against individual “whistleblowers”*”; “[0021]...report periodically and in specific, **emergent instances** to senior managers both critical and routine information, including

*up to the full range of routine and non-routine information falling within the expertise of the individual...”; and “[0023]... includes **automated peer-review and comment** such that issues and concerns raised by a single lower level worker or manager **can be validated by additional knowledgeable persons**, an approach that increases credibility while reducing the likelihood of retaliation (avoids the creation of individual whistleblowers). Moreover, the **peer-review validation approach...**”*. In contrast, Ferraro discloses, *inter alia*, an anonymous incident reporting system, where participants anonymously generate reports and directly transmit them to a recipient without validation by knowledgeable peers. Also, Ferraro or Carlson does not reasonably suggest **a system for proactively and periodically reporting emergent issues and concerns**. Also, Ferraro or Carlson does not teach or suggest peer-review, commenting, and concurrence by peers to increase the credibility of the report submitted, especially if the report contains information about emergent issues and concerns.

Furthermore, in contrast, Carlson does not reasonably teach or suggest proactively and periodically reporting about emergent issues and concerns and validating, but instead discloses, *inter alia*, post-reporting activities (i.e., activities **after the report** is automatically submitted to supervisory authority, see Carlson, paragraph [0036]), such as reviewing and modifying by supervisory authority, classifying, assigning corrective action, etc. (see Carlson, paragraphs [0036] through [0039]). Accordingly, Ferraro in view of Carlson does not teach or suggest the following limitation in claims 1 and 4:

“providing a data collection interface for proactively and periodically entering issues and concerns by said originator into an automated form, wherein said originator submits said issues and concerns using said anonymous member identification, and wherein said submitted issues and concerns comprise one or more of routine information and critical information about emergent issues and concerns prior to occurrence of said concerns” in claim 1,

“displaying said emergent issues and concerns to one or more peers for reviewing and validating said emergent issues and concerns by said one or more peers, wherein said

one or more peers validate said emergent issues and concerns by entering comments on said data collection interface regarding said emergent issues and concerns” in claim 1

“proactively and periodically reporting issues and concerns related to said organization from a member of said organization on a database, wherein said collected issues and concerns comprise one or more of routine information and critical information about emergent issues and concerns; in claim 4; and

“displaying said emergent issues and concerns to one or more peers for reviewing and validating said emergent issues and concerns by said one or more peers, wherein said one or more peers validate said emergent issues and concerns by entering comments on said data collection interface regarding said emergent issues and concerns;” in claim 4.

Second, even if Ferraro and Carlson are combined as suggested in the office action, the combination will still be inoperable for the purposes recited in the claims and will have deficiencies with respect to the claimed invention as a whole. Applicant discloses an anonymous reporting function (original paragraph [0044]), whereby members of an organization, **including originator and peers**, can set up an **anonymous membership** (see applicant’s disclosure, original paragraph [0033], where applicant discloses “*Anonymous membership...a person may log on with the anonymous member username and password or initiate a new anonymous identity (username and password), as desired*”). Owing to this anonymous membership, the originator submits said issues and concerns **anonymously** by using anonymous identifiers only, thereby reducing or precluding reprisals against individual whistleblowers (also, see applicant’s disclosure, original paragraphs [0043] and [0044]). Ferraro does not teach or suggest **anonymous membership** for participants. Carlson, in contrast discloses, *inter alia*, that production personnel involved in the incident...are part of the reporting process (see Carlson, paragraphs [0035]), and that the incident report includes personnel identification (see Carlson, paragraphs [0035], [0036], and Fig. 5). Accordingly, Ferraro in view of Carlson does not teach or suggest the following limitation in claims 1 and 4:

“providing an anonymous member identification to said originator for raising said issues and concerns, wherein said anonymous member identification comprises an anonymous username and password;” of claim 1;

“providing a data collection interface for entering issues and concerns by said originator into an automated form, wherein said originator submits said issues and concerns using said anonymous member identification, and wherein ...” of claim 1, and

Therefore, applicant respectfully submits that claims 1 and 4 are not obvious over Ferraro in view of Carlson, and that the rejection of claims 1 and 4 be withdrawn.

Claims 2 and 3 are dependent on claim 1. Since Ferraro in view of Carlson does not teach or suggest all the limitations in claim 1, applicant respectfully submits that dependent claims 2 and 3 are not obvious over Ferraro in view of Carlson, and that the rejection of claims 2 and 3 be withdrawn.

Claims 5 and 6 are dependent on claim 4. Since Ferraro in view of Carlson does not teach or suggest all the limitations in claim 4, applicant respectfully submits that dependent claims 5 and 6 are not obvious over Ferraro in view of Carlson, and that the rejection of claims 5 and 6 be withdrawn.

Applicant discloses a data collection interface for submitting issues and concerns based on an anonymous membership, wherein the data collection interface enables any member to access the automated system, including the database based on an anonymous membership. The anonymous membership enables the member to submit reports anonymously, while allowing the member to track the status of the report using a username and password. (See applicant’s disclosure, original paragraphs [0033], [0034], [0035] and [0043], where applicant discloses “[0033] *Anonymous membership and access is allowed, but all communications from such members are identified as from an anonymous member, and each such member is assigned a distinct number (001, 002,*

003 . . .), username (anonymous001), and password.” and “[0034] Anonymous member identification is issue or concern based and not relative to an actual individual person, but a person may log on with the anonymous member username and password or initiate a new anonymous identity (username and password), as desired.”). Furthermore, applicant discloses a conventional database management system for processing and transmitting communications between the originator, peers and the manager members. In contrast, Ferraro or Carlson does teach or suggest a login interface that enables **anonymous membership for peers**. Accordingly, Ferraro in view of Carlson does not teach or suggest the following limitation in claim 7:

“a data collection interface for submitting said issues and concerns based on an anonymous membership” and

“a database for generating said report using said collected issues and concerns, wherein said database is associated with a database management system for processing and transmitting said issues and concerns to one or more of senior managers, the public, and regulators”.

Also, claim 7 is a system claim that corresponds to method claim 1. The arguments presented in support of the non-obviousness of claim 1 over Ferraro in view of Carlson are equally applicable to the non-obviousness of claim 7 over Ferraro in view of Carlson. Accordingly, applicant respectfully submits that claim 7 is not obvious over Ferraro in view of Carlson, and that the rejection of claim 7 be withdrawn.

Claim 8 is dependent on claim 7. Since Ferraro in view of Carlson does not teach or suggest all the limitations in claim 7, applicant respectfully submits that dependent claim 8 is not obvious over Ferraro in view of Carlson, and that the rejection of claim 8 be withdrawn.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If, in the opinion of Examiner McCormick, a telephone conference would expedite the prosecution of this application, Examiner McCormick is requested to call the undersigned.

Respectfully submitted,

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